

**REMARKS**

The Office Action mailed on February 27, 2003, has been received and reviewed. Claims 1 and 2 are currently pending in the above-referenced application. Claims 3 through 12 have been withdrawn from consideration as being drawn to a non-elected invention and have been canceled without prejudice or disclaimer. Claims 1 and 2 stand rejected.

Reconsideration of the above-referenced application is respectfully requested.

**35 U.S.C. § 101 Double Patenting Rejections**

Claims 1 and 2 stand rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 and 2 of prior U.S. Patent RE 36,613 to Ball (hereinafter "Ball").

With respect to statutory double patenting rejections, M.P.E.P. § 804 provides the following guidance: "A reliable test for double patenting under 35 U.S.C. § 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent."

With respect to independent claim 1, as amended and presented herein, it is respectfully submitted that ranges of dimensions for the first thin adhesive layer, the second thin adhesive layer, and the additional subsequent layers of adhesive are recited, whereas claim 1 of Ball merely recites a single dimension for each of these features. Moreover, amended independent claim 1 recites that the heights of the first low-loop wire bonds above a first die-bonding pads are "*at most* about 0.006 inches" (emphasis supplied), whereas claim 1 of Ball merely recites that the height of the first low-loop wire bond above a first die-bonding pad is "about 0.006 inches." Further, amended independent claim 1 of the above-referenced application recites that the total encapsulated-package height is "*at most* about 0.110 inches" (emphasis supplied), while claim 1 of Ball merely recites that the total encapsulated-package height is "about 0.110 inches."

As each of these differences between amended independent claim 1 of the above-referenced application and claim 1 of Ball clearly result in amended independent claim 1 of the above-referenced application being broader than claim 1 of Ball, it is respectfully submitted that it would be possible for amended independent claim 1 of the above-referenced application to be infringed without claim 1 of Ball being infringed. Therefore, amended

independent claim 1 of the above-referenced application is allowable under 35 U.S.C. § 101 as reciting subject matter which is allowable over that recited in claim 1 of Ball.

Claim 2, as amended and presented herein, also recites that the heights of the first low-loop wire bonds above a first die-bonding pads are “*at most* about 0.006 inches” (emphasis supplied), whereas claim 2 of Ball merely recites that the height of a first low-loop wire bond above a first die-bonding pad is “about 0.006 inches.” Moreover, amended independent claim 2 of the above-referenced application recites that “a total encapsulation layer height above an uppermost die of the multiple-die, low-profile stack is about 0.010 inches to about 0.012 inches, whereas claim 2 of Ball recites that “a total encapsulation-layer height is about 0.070 inches.”

In view of the foregoing, it is clear that amended independent claim 2 of the above-referenced application differs in scope from claim 2 of Ball. As such, it is respectfully submitted that it would be possible for amended independent claim 2 of the above-referenced application to be infringed without claim 2 of Ball being infringed. Therefore, amended independent claim 2 of the above-referenced application is allowable under 35 U.S.C. § 101 as reciting subject matter which is allowable over that recited in claim 2 of Ball.

For these reasons, withdrawal of the 35 U.S.C. § 101 double patenting rejection of claims 1 and 2 is respectfully requested.

#### **Supplemental Reissue Declaration**

Claims 1 and 2 both stand rejected under 37 C.F.R. 1.175(a)(1) as being based upon a defective reissue declaration.

Another Supplemental Reissue Declaration addressing the additional errors that have been corrected by the claim amendments that are presented herein is being filed herewith.

**CONCLUSION**

It is respectfully submitted that claims 1 and 2 of the above-referenced application are allowable. An early notice of the allowability of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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Date: May 27, 2003

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